

Message Text

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PAGE 01 NEW DE 00494 120845Z
ACTION L-03

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INFO AMCONSUL BOMBAY
AMCONSUL CALCUTTA
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LIMITED OFFICIAL USE NEW DELHI 0494

EO 11652: NA
TAGS: OGEN, IN
SUBJ: COMMENTS ON PROPOSED DRAFT OF CONSULAR CONVENTION

REFS: A. 76 STATE A-6013, B. KREISBERG TO OBER
OFFICIAL-INFORMAL OF DECEMBER 1, 1976

1. FOLLOWING ARE THE COMMENTS AND SUGGESTIONS OF THE
CONGENS AND EMBASSY ON THE PROPOSED DRAFT CONSULAR
CONVENTION REFERRED TO IN REF A. SUGGESTIONS PRE-
VIOUSLY MADE (REF B) ARE INCLUDED HEREIN.

2. ARTICLE I, PARA 8: THE DEFINITION OF "CONSULAR
PREMISES" SHOULD BE EXPANDED TO INCLUDE THE PREMISES
OF ALLIED FUNCTIONS SUCH AS USIS.

3. ARTICLE 4, PARA 1: SUGGEST THE SECOND SENTENCE
BEGIN WITH THE PHRASE: "TIME PERMITTING,".

4. ARTICLE 5, PARA 4 (C): SUGGEST THIS BE EXPANDED
TO REQUIRE NOTIFICATION OF RETIREMENT AND VOLUNTARY
DEPARTURE AS WELL AS DISMISSAL.

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5. ARTICLE 13: CONGEN STAFFS CURRENTLY USE POUCHES
FOR PERSONAL PACKAGES AND MAIL. SUGGEST ARTICLE BE
REWORDED SO AS TO AVOID QUESTION ABOUT FUTURE USE OF
THE POUCH FOR THIS PURPOSE.

6. ARTICLE 13, PARA 5: SUGGEST SECOND SENTENCE BE
EXPANDED TO REFER TO "NON-PROFESSIONAL" AS WELL AS

"AD HOC COURIERS."

6. ARTICLE 19, PARA 1: SUGGEST OPENING SENTENCE BE MODIFIED TO READ: "NO NATIONAL, REGIONAL, STATE, MUNICIPAL OR LOCAL DUES OR TAXES...." ALTHOUGH THIS ADDITION IS PROBABLY REDUNDANT, IT IS SUGGESTED TO AVOID DOUBT AS TO THE LIABILITY OF OUR CONGENS FOR MUNICIPAL TAXES SUCH AS ARE NOW PAID IN CALCUTTA.

8. ARTICLE 20, PARA 1: SUGGEST THIS BE EXPANDED ALONG LINES RECOMMENDED FOR ARTICLE 19 AS FOLLOWS: "...SHALL BE EXEMPT FROM PAYMENT OF ALL DUES AND TAXES AND SIMILAR CHARGES OF ANY KIND, WHETHER NATIONAL, REGIONAL, STATE, MUNICIPAL OR LOCAL."

9. ARTICLE 20, PARA 2(A): THIS PROVISION COULD BE INTERPRETED TO REQUIRE A MEMBER OF A CONSULATE AND MEMBERS OF HIS FAMILY TO PAY THE STREET PRICE FOR GASOLINE FOR THEIR PERSONAL VHICLES. SUGGEST THE EXPRESSION "INDIRECT TAXES" BE QUALIFIED TO EXCLUDE THAT POSSIBILITY.

0. ARTICLE 19, PARA 2: SUGGEST AFTER "MOVEABLE PROPERTY" ADDITION OF ", GOODS, SUPPLIES, AND SERVICES." CHANGE "IS" TO "ARE" IN RELATIVE CLAUSES WHICH FOLLOW. ADD "OR SERVICES" AFTER "PROPERTY" AT THE END OF THE SENTENCE.

11. ARTICLE 21, PARA 2 AND 3: SUGGEST SPECIFIC LIMITED OFFICIAL USE

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REFERENCE TO MOTOR VEHICLES WHICH ARE MENTIONED IN PARA 1.

12. ARTICLE 27, PARA 1: THE PHRASE "IN ACCORDANCE WITH THE LAW OF THE RECEIVING STATE" COULD BE CONSTRUED TO PREVENT CONSULAR OFFICERS FROM ATTENDING "OFFICIAL SECRETS ACT" TRIALS (E.G., HARCOS AND FLETCHER) OR A MISA HEARING. UNLESS THERE IS SUBSTANTIAL REASON FROM OUR SIDE FOR INCLUDING THIS PHRASE, SUGGEST IT BE DELETED.

13. ARTICLE 27, PARA2: THIS PARA APPEARS TO ATTENUATE CONSULAR RESPONSIBILITY PROVIDED IN ARTICLE 39, AND WE QUESTION WHETHER IT IS NECESSARY.

14. ARTICLE 39, PARA 5: AS DRAFTED, THE LAST SENTENCE WOULD APPEAR TO LIMIT VISITS WITH DETAINED PERSONS TO INTERVALS OF NOT MORE THAN ONE MONTH. CONSULAR OFFICERS BELIEVE THIS IS MUCH TOO LIMITED

AND SUGGEST THEY BE ENTITLED TO VISIT AT LEAST ONCE
A WEEK.

15. ARTICLE 39, PARA 6: SUGGEST THE SECOND SENTENCE
BE STRENGTHENED TO READ: "A CONSULAR OFFICER SHALL
BE PERMITTED TO ATTEND THE TRIAL....".

16. THE FOLLOWING TYPOGRAPHICAL ERRORS HAVE BEEN NOTED:

(A) ARTICLE 11, PARA 2: CHANGE "PROTEST" TO "PROTECT."

(B) ARTICLE 34, PARA 2: CHANGE "CONTRACT" TO "CONTACT."

(C) ARTICLE 37, PARA 4: DROP "OF" FOLLOWING "PARA-
GRAPHS 1 THROUGH 3" IN THE FIRST SENTENCE.

(D) ARTICLE 41, PARA 1(A): CHANGE "DREW" TO "CREW."
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17. WE WILL AWAIT DEPARTMENT'S REPLY BEFORE TRANS-
MITTING PROPOED CONVENTION TO THE GOI.
SCHNEIDER

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Message Attributes

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